

JENNIFER MOUZIS
Mouzis Criminal Defense
State Bar No. 200280
1819 K Street, Suite 200
Sacramento, California 95811
Telephone: (916) 822-8702
Facsimile: (916) 822-8712

Attorney for Defendant
DARRELL ANDERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL ANDERSON,
RICKY PHIENEMANH,

Defendants.

2:22-cr-00228-JAM

**STIPULATION AND
ORDER TO CONTINUE STATUS
CONFERENCE, AND TO EXCLUDE
TIME [AMENDED]**

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Alstyn Bennett, defendant, Darrell Anderson, by and through his counsel, Jennifer Mouzis, and Ricky Phienemanh, by and through his counsel, Michael Barrette agree and stipulate to vacate the date set for status conference, April 11, 2023 at 9:00 a.m., in the above-captioned matter, and to set status conference for July 11, 2023 at 9:00 a.m. in the courtroom of the Honorable John A. Mendez.

1. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form including over 800 pages

1 of documents, photographs, video and audio files, and drug lab analyses. All of this discovery
2 has been either produced directly to counsel and/or made available for inspection and copying.

3 b) Counsel for defendant, Derrell Anderson, was appointed on February 21, 2023.
4 (ECF 29).

5 c) Counsel for defendants will need time to consult with their clients, review
6 discovery, investigate evidence and potential defense strategies, and otherwise prepare for trial.

7 d) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny them the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendants in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of April 11, 2023 to July 11, 2023,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.
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21 2. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which
23 a trial must commence.

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Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

IT IS SO STIPULATED.

Dated: April 7, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ Alstyn Bennett
ALSTYN BENNETT
Assistant United States Attorney

Dated: April 7, 2023

/s/ Jennifer Mouzis
JENNIFER MOUZIS
Attorney for Defendant
DARRELL ANDERSON

Dated: April 7, 2023

/s/ Michael Barrette
MICHAEL BARRETTE
Attorney for Defendant
RICKY PHIENEMANH

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ORDER

IT IS HEREBY ORDERED, the Court having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court specifically finds the failure to grant a continuance in this case would deny counsel reasonable time necessary for effective preparation, considering the exercise of due diligence. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interest of the public and defendants in a speedy trial.

The Court orders from the time of the parties' stipulation, April 7, 2023, up to and including July 11, 2023, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) [reasonable time for counsel to prepare] and General Order 479 [Local Code T4]. **It is further ordered** the April 11, 2023 status conference shall be vacated and reset for **July 11, 2023, at 9:00 a.m.**

Dated: April 07, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE